

NORTH YORKSHIRE COUNTY COUNCIL

17 DECEMBER 2008

Payments of Allowances to Independent Members of Education Appeals Panels

1.0 Background

- 1.1 The Statutory Regulations that underpin the current Members Allowances Scheme were published in 2003 as the Local Authority's (Members Allowances) (England) Regulations 2003.
- 1.2 These Regulations ended the previous provisions under the Local Government Act for the payment of financial loss allowances for all purposes *other than* the payment of allowances to Independent Members of Education Appeals Panels dealing with admissions and exclusion appeals.
- 1.3 Independent Members of an Education Appeals Panels which performs functions under the Education (Admission Appeals Arrangements) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 are entitled to receive a payment for financial loss.
- 1.4 In practice, the County Council has continued to apply scheme arrangements that were in place before the main Members Allowances Scheme was introduced.
- 1.5 Up until 2003, the Government set by Regulation the maximum amount payable under a financial loss allowance scheme. In applying the Scheme in North Yorkshire, these rates have not been amended since 2003, and currently stand at:-
 - (a) If the period of entitlement does not exceed 4 hours - £27.65
 - (b) If the period exceeds 4 but does not exceed 24 hours - £55.31
 - (c) If the period exceeds 24 hours - £55.31 for each complete period of 24 hours plus the rate appropriate for the remainder of the period.
- 1.6 Other changes to the main Members Allowances Scheme, in respect of travelling and subsistence allowances, have in practice been applied to Members of Education Appeals Panels.
- 1.7 The arrangements for this particular group do not need approval following a recommendation from the Independent Panel, as they are outside the scope of the work of that Panel. In reviewing and formally updating the scheme, however, it seems sensible to align issues where appropriate with the main allowances scheme.
- 1.8 In the light of this, the proposal is that the County Council should formally agree a Scheme for the payment of allowances to Independent Members of Education Appeals Panels with effect from 2009/10, and should update that Scheme each year in line with decisions taken on the main Members Allowances Scheme.

2.0 Proposals

- 2.1 It is considered appropriate for the current financial loss allowance to be updated for 2009/10 to reflect an element of inflation. In view of the proposal to link future increases to the change in the level of the unit of responsibility which underpins the Scheme for the Basic Allowance and Special Responsibility Allowances, the increase in this unit since 2003 is an appropriate factor.
- 2.2 Between 2003 and the proposed rate for 2009/10, this represents an increase of 24.3%. This is broadly in line with the increase in average earnings and RPI inflation over the same period.
- 2.3 This would give new rates for 2009/10 as follows:
- (a) If the period of entitlement does not exceed 4 hours - £34.37
 - (b) If the period exceeds 4 but does not exceed 24 hours - £68.75
 - (c) If the period exceeds 24 hours - £68.75 for each complete period of 24 hours plus the rate appropriate for the remainder of the period.
- 2.4 In respect of travelling and subsistence and other out of pocket expenses, including the scheme for Childcare and Dependant Carers' Allowances, it is appropriate to apply the same rates and conditions that apply in the main Members Allowances Scheme.

3.0 Recommendations

- 3.1 That the maximum amount payable for financial loss allowance for Independent Members of Education Appeals Panels from 1st April 2009 is as set out in paragraph 2.3 above.
- 3.2 That these rates be updated each year in line with the increase in the value of a 'unit of responsibility' agreed as part of the Members Allowances Scheme.
- 3.3 That the Scheme of Allowances for travelling and subsistence and other out of pocket expenses, including the scheme for Childcare and Dependant Carers' Allowances, as agreed each year as part of the Members Allowances Scheme, will apply to Members of Educational Appeal Panels.

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